

ORDER OF THE SUPREME COURT OF TEXAS

9020

Misc. Docket No. 01-----

**Appointment of a District Judge to Rule on a Motion
to Recuse filed in a State Bar Disciplinary Action**

The Supreme Court of Texas hereby appoints the Honorable Curt B. Henderson, Judge of the 219th District Court of Collin County, Texas, to preside in the Disciplinary Action styled:

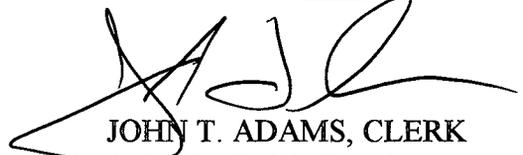
The Commission for Lawyer Discipline v. William D. Perkins

to be filed in a District Court of Angelina County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Angelina County, Texas, a copy of the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Supreme Court of Texas, in chambers,

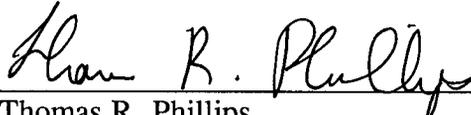
With the Seal thereof affixed at the City
Of Austin, this 23rd day of January, 2001.



**JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 01-9020, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 26 day of January, 2001.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § ANGELINA COUNTY, TEXAS
WILLIAM D. PERKINS § _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complains of Respondent, William D. Perkins, (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed on or after May 1, 1992.

III.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Angelina County, Texas. An officer may serve citation on Respondent's counsel, Wayne H. Paris, 6905 Wells Fargo Plaza, 1000 Louisiana, Houston, Texas 77002.

IV.

In the early 1990's, Nelda Morrison's ("Mrs. Morrison") husband, S. H. Morrison, Jr. ("Mr. Morrison") hired Respondent to represent Mr. Morrison in a property dispute matter. Respondent agreed to represent Mr. Morrison on a contingency fee basis, but did not enter into a written contingency fee contract with Mr. Morrison. Mr. Morrison died in September 1993, while the lawsuit was still pending. Subsequent to Mr. Morrison's death, Respondent continued his representation in the matter and signed pleadings on behalf of Mrs. Morrison individually and as representative of her husband's estate. Respondent also continued to provide documents to Mrs. Morrison regarding the property dispute matter, including a letter from Respondent stating that, pursuant to Respondent's agreement with Mr. Morrison, Mrs. Morrison would receive 2/3 of any recovery in the lawsuit and Respondent would receive 1/3 of any recovery as Respondent's fee.

V.

Because Mrs. Morrison had not received a status report from Respondent since 1997, Mrs. Morrison contacted Respondent in September 1999 regarding the status of the litigation. At the September 1999 visit, Respondent misrepresented to Mrs. Morrison that Respondent would be going to Austin in October 1999 to settle the matter, and that Mrs. Morrison should have the settlement proceeds soon.

VI.

By December 1999, Mrs. Morrison had not heard from Respondent regarding the results of his October 1999 meeting. Mrs. Morrison, therefore, contacted a friend in Austin to look into the matter for her. Mrs. Morrison learned from this investigation that Respondent had settled the case in 1996 for \$72,500.00, without authority from Mrs. Morrison and without informing Mrs. Morrison of the settlement. When Mrs. Morrison confronted Respondent with his misrepresentations,

Respondent admitted to Mrs. Morrison that the case had settled in 1996. Respondent stated that he did not have the funds to pay Mrs. Morrison her share of the settlement proceeds because Respondent's secretary had sent the funds to the Internal Revenue Service ("IRS") for Respondent's back taxes.

VII.

Respondent failed to hold the settlement funds belonging to his client in a separate trust account. Respondent failed to promptly notify Mrs. Morrison that the settlement funds had been received, failed to deliver the settlement funds to Mrs. Morrison, and failed to provide Mrs. Morrison with a full accounting of the settlement proceeds.

VIII.

Thereafter, Respondent attempted to enter into a business arrangement with Mrs. Morrison and offered Mrs. Morrison a promissory note in the amount of \$65,461.92 pursuant to which Respondent would pay Mrs. Morrison the funds to which she was entitled within six (6) months. Mrs. Morrison refused the promissory note and stated that she wanted to collect the full settlement proceeds that were due her within ten (10) days. Respondent subsequently claimed that Mr. Morrison had given Respondent the cause of action and all recovered funds belonged to Respondent.

IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, V, VI, VII, and VIII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.02(a)(2), 1.03(a), 1.03(b), 1.04(c), 1.04(d), 1.08(a), 1.08(h), 1.14(a), 1.14(b), 1.14(c), 8.04(a)(1), 8.04(a)(2), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

IX.

The complaint which forms the basis of the Cause of Action hereinabove set forth was initiated by the State Bar of Texas filing a complaint on or about February 22, 2000.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Ardita Vick
Assistant Disciplinary Counsel

State Bar of Texas
Litigation - Dallas
3710 Rawlins
Suite 800
Dallas, Texas 75219
(214) 559-4353
FAX (214) 559-4335



Ardita Vick
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 7, 2000

CMRRR NO. 7099 3220 0005 9143 5140

John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

RE: Commission for Lawyer Discipline v. William D. Perkins

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against William D. Perkins. Mr. Perkins has designated Angelina County, Texas, as his principal place of practice. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

**William D. Perkins
c/o Wayne H. Paris
6905 Wells Fargo Plaza
1000 Louisiana
Houston, Texas 77002**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

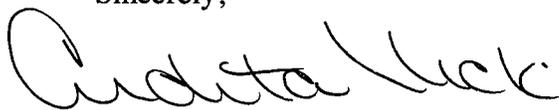
Page 2

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Angelina County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Angelina County, Texas, and a return envelope to be sent to the District Clerk of Angelina County, Texas, for the Clerk's use in returning a file-marked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Arditia Vick". The signature is written in black ink and is positioned above the printed name and title.

Ardita Vick
Assistant Disciplinary Counsel

Enclosures



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JAN 3 0 2006

Honorable Curt B. Henderson
Judge, 219th District Court
414 Courthouse
210 S. McDonald Street
McKinney, Texas 75069

Dear Judge Henderson:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Ms. Vick and Mr. Perkins, and a copy of the letter to the District Clerk of Angelina County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Angelina County to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the date for trial, the judge or coordinator of that court be contacted to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (409/538-8176) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

A handwritten signature in cursive script that reads "John T. Adams".

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JAN 30 2006

Ms. Ardita Vick
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Mr. William D. Perkins
c/o Wayne H. Paris
6905 Wells Fargo Plaza
1000 Louisiana
Houston, Texas 77002

Dear Ms. Vick and Mr. Perkins:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Curt B. Henderson, Judge of the 219th District Court, McKinney, Texas to preside in

Commission for Lawyer Discipline v. William D. Perkins

Sincerely,

A handwritten signature in cursive script that reads "John T. Adams".

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
JOHN T. ADAMS

JUSTICES
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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JAN 30 2009

The Honorable Jimmie F. Robinson
District Clerk of Angelina County
P.O. Box 908
Lufkin, Texas 75902-0908

Dear Mr. Robinson:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: The Commission for Lawyer Discipline v. William D. Perkins, and a copy of the Supreme Court's order appointing the Honorable Curt B. Henderson, Judge of the 219th District Court, McKinney, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in cursive script that reads "John T. Adams".

John T. Adams
Clerk

cc: Hon. Curt B. Henderson
Ms. Ardita Vick
Mr. William D. Perkins